

HOUSE BILL 864

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11r1839

By: **Delegates Sophocleus, Barkley, and Kipke**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Felony Child Abuse in the First Degree**

3 FOR the purpose of expanding the felony of child abuse of a minor to apply it to a
4 family member of a minor and a household member who lives with a minor if
5 the family member or household member is convicted of causing abuse to the
6 minor that results in the death of the minor or causing severe physical injury to
7 the minor; and generally relating to felony child abuse.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–601
11 Annotated Code of Maryland
12 (2002 Volume and 2010 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Criminal Law**

16 3–601.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) “Abuse” means physical injury sustained by a minor as a result of
19 cruel or inhumane treatment or as a result of a malicious act under circumstances
20 that indicate that the minor’s health or welfare is harmed or threatened by the
21 treatment or act.

22 (3) “Family member” means a relative of a minor by blood, adoption,
23 or marriage.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) "Household member" means a person who lives with or is a regular
2 presence in a home of a minor at the time of the alleged abuse.

3 (5) "Severe physical injury" means:

4 (i) brain injury or bleeding within the skull;

5 (ii) starvation; or

6 (iii) physical injury that:

7 1. creates a substantial risk of death; or

8 2. causes permanent or protracted serious:

9 A. disfigurement;

10 B. loss of the function of any bodily member or organ; or

11 C. impairment of the function of any bodily member or
12 organ.

13 (b) (1) A parent or other person who has permanent or temporary care or
14 custody or responsibility for the supervision of a minor may not cause abuse to the
15 minor that:

16 (i) results in the death of the minor; or

17 (ii) causes severe physical injury to the minor.

18 **(2) A FAMILY MEMBER OF HOUSEHOLD MEMBER MAY NOT CAUSE**
19 **ABUSE TO THE MINOR THAT:**

20 **(I) RESULTS IN THE DEATH OF THE MINOR; OR**

21 **(II) CAUSES SEVERE PHYSICAL INJURY TO THE MINOR.**

22 **[(2)] (3)** Except as provided in subsection (c) of this section, a person
23 who violates paragraph (1) **OR (2)** of this subsection is guilty of the felony of child
24 abuse in the first degree and on conviction is subject to:

25 (i) imprisonment not exceeding 25 years; or

26 (ii) if the violation results in the death of the victim,
27 imprisonment not exceeding 30 years.

1 (c) A person who violates this section after being convicted of a previous
2 violation of this section is guilty of a felony and on conviction is subject to:

3 (1) imprisonment not exceeding 25 years; or

4 (2) if the violation results in the death of the victim, imprisonment not
5 exceeding 30 years.

6 (d) (1) (i) A parent or other person who has permanent or temporary
7 care or custody or responsibility for the supervision of a minor may not cause abuse to
8 the minor.

9 (ii) A household member or family member may not cause abuse
10 to a minor.

11 (2) Except as provided in subsection (c) of this section, a person who
12 violates paragraph (1) of this subsection is guilty of the felony of child abuse in the
13 second degree and on conviction is subject to imprisonment not exceeding 15 years.

14 (e) A sentence imposed under this section may be separate from and
15 consecutive to or concurrent with a sentence for any crime based on the act
16 establishing the violation of this section.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2011.